

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 191/2

Applicant(s): Scott E. Manzo et al.  
Serial No.: 08/816,165<sup>615</sup>  
Filed: March 13, 1997  
For: **GRAFT ATTACHMENT  
ASSEMBLY**

Examiner: D. Isabella  
Group: 3738  
Docket: 203-1834 (1876)  
Dated: August 28, 2002

**RECEIVED**

APR 17 2008

Assistant Commissioner for Patents  
Washington, D.C. 20231

**OFFICE OF PETITIONS**

**PETITION TO REVIVE APPLICATION UNDER 37 C.F.R. §1.137(a)**

SIR:

The above-identified application ("subject application") was indicated in the Notice of Abandonment, mailed February 23, 2000, to have gone abandoned because of "Applicant's failure to timely file new formal drawings as required in the Notice of Allowability." Applicant's respectfully petition to revive the subject application under 37 C.F.R. §1.137(a).

**FACTS SUPPORTING PETITION**

On November 9, 1999, a Notice of Allowability and a Notice of Allowance and Issue Fee Due were mailed by the Examiner in the subject application setting the issue fee due date for February 9, 1999. The Examiner also required new Formal Drawings to be filed by the February 9, 1999 due date. On February 9, 1999, Neil D. Gershon, Esq., an attorney of record by

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231 on August 28, 2002.

Dated: August 28, 2002

Christopher G. Trainor  
Christopher G. Trainor

Power of Attorney filed on March 13, 1997 (copy enclosed as Exhibit A), filed the issue fee of \$1,320.00 and three sheets of Formal Drawings under separate Certificates of Mailing. The Formal Drawings were filed under a Certificate of Mailing dated February 9, 1999 (copy enclosed as Exhibit B). A return postcard, filed with the Formal Drawings, was stamped received by the U.S. Patent and Trademark Office on February 12, 1999 (copy enclosed as Exhibit C).

A Notice of Abandonment was mailed in the subject application on February 23, 2000 indicating that the application was abandoned in view of "Applicant's failure to timely file new formal drawings as required in the Notice of Allowability."

In response to the Notice of Abandonment, on March 8, 2000, Mr. Gershon filed a letter (copy enclosed as Exhibit D) outlining the facts set forth above with attached copies of relevant documents. No further response was ever received from the U.S. Patent and Trademark Office in the subject application.

In or about July of 2000, Mr. Gershon left the employment of United States Surgical Corporation ("USSC"), assignee of the subject application. Since the person most familiar with the application, Mr. Gershon, was no longer employed by USSC and all of the requirements for issuance of the application appeared to be satisfied, the application did not appear on the docket of any of the attorneys remaining at USSC and USSC failed to recognize that the U.S. Patent and Trademark Office did not respond to Mr. Gershon's letter of March 8, 2000. As such, Applicant's only realized the mistake of the U.S. Patent and Trademark Office in early August, 2002.

In light of the facts set forth above, Applicant's hereby petition for revival of the subject application under 37 C.F.R. §1.137(a). Accompanying this petition are:

- i) a copy of the Formal Drawings previously submitted on February 9, 1999 including a copy of the cover letter filed therewith; and
- ii) the petition fee as set forth in § 1.17(l).

The entire delay in filing this petition, including submission of the attached copy of Formal Drawings, from the due date for the Formal Drawings until the filing of this petition was unavoidable.

The petition fee under 37 C.F.R. §1.17(l) of \$110.00 is attached by check to this petition. Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §§1.16 and/or 1.17, at any time during the pendency of this application, or credit any overpayment of such fee(s), to Deposit Account No. 50-2140. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

*Christopher G. Trainor*

Christopher G. Trainor  
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Attorney for Applicants

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CGT:sf

# **EXHIBIT “B”**

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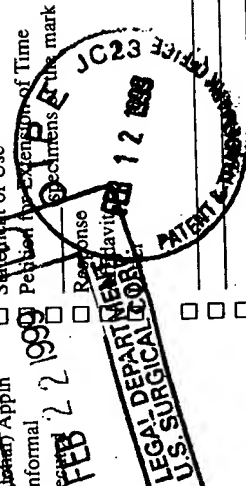
Serial No. 0884615 Pocket No. 1876 Art Group 3738 ATTY: NOG  
TITLE Computer network architecture Inventor/Applicant: Nezha, D.A.

Patents:

- ☒ A patent application including pages of abstract, specification and claims  
☐ Request for Filing (FWC) (RULE 60) Appin  
☐ (Continuation) (Divisional) (CFP) (Provisional) Appin  
☒ 3 sheets of drawing ☒ formal ☐ informal ☐ unexecuted  
☐ Declaration of POA ☐ executed ☐ unexecuted  
☐ Assignment ☐ executed ☐ unexecuted  
☐ Recordation Form Cover Sheet  
☐ Application Transmittal Letter  
☐ Amendment  
☐ Amendment Fee Transmittal  
☐ Petition and Fee for Extension of Time  
☐ Information Disclosure Statement  
☒ Submission of Formal Drawings  
☐ PTO Form 1449 and Copies of Cited References  
☐ Issue Fee Transmittal  
☐ Certificate under 37 CFR (b)  
☐ Revocation and Substitute Power of Attorney  
☐ Completion of Filing Requirements

Trademarks:

- ☐ Application (ITU) (Actual Use)  
☐ Drawing Page (of the Mark)  
☐ Transmittal Letter  
☐ Statement of Use  
☐ Publication of the Extension of Time  
☐ Specimens of the mark  
☐ Response



Certificate of Mailing  
Certificate of Express Mailing

No.

Return postcard

DATE:

2/21/99